

HOUSE BILL No. 1042

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1-55; IC 24-4-16.

Synopsis: Intent to sell sexually explicit products. Requires a person that intends to sell sexually explicit materials, products, or services to register and file a statement with the secretary of state. Provides that a person that sells sexually explicit materials, products, or services without registering and filing the statement commits a Class B misdemeanor.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1042

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1-55 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 55. Intention to Sell Sexually Explicit Materials,**
5 **Products, or Services**

6 **Sec. 1. A person, firm, corporation, association, partnership,**
7 **limited liability corporation, or other entity that intends to sell**
8 **sexually explicit materials, products, or services shall register with**
9 **the secretary of state the intent to sell sexually explicit materials,**
10 **products, or services and provide a statement detailing the types of**
11 **materials, products, or services that are intended to be sold.**

12 SECTION 2. IC 24-4-16 IS ADDED TO THE INDIANA CODE AS
13 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2008]:

15 **Chapter 16. Sexually Explicit Materials and Services**

16 **Sec. 1. As used in this chapter, "person" means an individual, a**
17 **firm, a corporation, an association, a partnership, a limited**

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1 liability corporation, or another entity.

2 Sec. 2. (a) For purposes of this chapter, materials, products, or
3 services are "sexually explicit materials, products, or services" if:

4 (1) the average person, applying contemporary community
5 standards, would find that:

6 (A) the dominant theme of the materials, products, or
7 services, taken as a whole, appeals to the prurient interest
8 in sex; or

9 (B) the materials, products, or services depict or describe,
10 in a patently offensive way, sexual conduct; or

11 (2) the materials, products, or services are designed for use in
12 or marketed primarily for:

13 (A) the stimulation of human genital organs; or

14 (B) masochism or sadism.

15 (b) The term does not include birth control or contraceptive
16 devices.

17 Sec. 3. A person or an employee or agent of a person may not
18 sell sexually explicit materials, products, or services unless a
19 registration and statement are properly filed as described in
20 IC 23-1-55-1.

21 Sec. 4. A person or an employee or agent of a person who
22 recklessly violates this chapter commits a Class B misdemeanor.

23 SECTION 3. [EFFECTIVE JULY 1, 2008] IC 24-4-16-4, as added
24 by this act, applies to offenses committed after June 30, 2008.

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